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Lucia A Keegan 07/31/2006 10:35:24 AM From DB/Inbox: Lucia A Keegan

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UNCLAS PARIS 05154

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UNCLAS SECTION 01 OF 02 PARIS 005154

SIPDIS

BRUSSELS PASS USEU FOR AGMINCOUNSELOR
STATE FOR OES; EUR/ERA AND EB (SPIRNAK);
STATE PASS USTR FOR MURPHY;
USDA/OS/JOHANNIS AND PENN/TERPSTRA;
USDA/FAS FOR OA/ROBERTS/SIMMONS/JONES;
ITP/SHEIKH/HENKE/MACKE/TOM POMEROY/MIKE WOOLSEY/GREG YOUNG; BOB
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EU POSTS PASS TO AGRICULTURE AND ECON
GENEVA FOR USTR, ALSO AGRICULTURE

E.O. 12958: N/A
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SUBJECT: JUDICIAL DECISIONS FAVORABLE TO BIOTECH CULTIVATION

REF: PARIS 2439

11. Summary: Two recent judicial decisions have been supportive of biotech cultivation in France. The first overturned a lower court ruling exonerating test plot destroyers. The second required Greenpeace to remove from its website names and locations of biotech corn growers. Both decisions will help provide a more rational environment for biotech cultivation in France. Nonetheless, the group of anti-biotech activists, "Faucheurs Volontaires" (Voluntary Cutters), continue to threaten the biotech industry and claim they plan to attack commercial biotech crops. End Summary.

12. On June 22, the Orleans Court of Appeals upheld the original conviction of 49 people found guilty of destroying biotech plots belonging to Monsanto in the Orleans area. This decision overturned a lower court ruling last December releasing the defendants from liability. The Appeals Court reinstated a two-month jail sentence for one defendant and the others each received suspended jail sentences and a 1,000 euro fine. The Court will continue to investigate Monsanto's claim for 390,000 euros in damages.

13. Monsanto welcomed the Court's decision stating that it "implements the law, protecting farmers' property as well as

authorized and monitored experimentation." The French planting seed organizations commented that the Court's decision underlined the legitimacy of the "right to conduct research." The defendants, part of a group called Faucheurs Volontaires (Voluntary Cutters), plan to appeal the decision and to continue to fight biotech development in France through acts of physical destruction.

Persistent Acts of Protest

¶4. On April 13, fifty people from Faucheurs Volontaires and Greenpeace stormed a Monsanto site in southwestern France (Aude area), demonstrated against GMO's and hung a banner stating "from the field to the plate, no GMO." Demonstrators were arrested at the site.

¶5. In June, another group of Faucheurs Volontaires, associated with the activist farmers' union, Confederation Paysanne, sent approximately forty anti-biotech activists to sow organic corn seeds in a GM test field in southern Paris (Loiret area). The group claimed responsibility for "sowing life" in contrast to their position that biotech companies "sow death."

¶6. In July, Monsanto announced that three of its test plots were damaged and Limagrain, the leading French seed company, and its genetics subsidiary, Biogemma, also announced it had had test plots destroyed by a group from "Voluntary Cutters." Also in July, the "Voluntary Cutters" announced they would expand their destruction from experimental test plots to commercial production fields for the first time this summer.

¶7. On July 26, Greenpeace was judicially required to remove from its website a map of France with the locations of fields of biotech corn, as well as the names of biotech corn growers, because of privacy infringement. The farmers whose names were indicated on Greenpeace website had sued Greenpeace, with the help of the French Corn Growers Association (AGPM). In reaction, Greenpeace activists destroyed some biotech corn in one of these fields, marking a large cross which was photographed from an helicopter by a nationally-known photographer.

Biotech Farmers Support Adoption of Biotech Crops

¶8. In a more positive step for the advancement of biotech development in France, at the annual French corn producers meeting in June, a farmer publicly discussed his justifications for planting Bt corn. He listed the advantages of reduced pesticide use, higher production of high quality corn not weakened by European corn borer attacks, and the benefits of staggering corn harvests.

¶9. And further, Cultivar magazine, a French technical publication, published an interview in its July issue with a farmer growing biotech corn for commercial sale in which he described the different management steps he took from planting, to coexistence with non-biotech corn, through harvesting.

¶10. Comment: Some previous court rulings favoring test plot destroyers have been discouraging to farmers as well as researchers, who reduced their activities in France and/or moved outside of France. These recent more positive rulings will favor biotech research and production, particularly if accompanied by reasonable legislation on GM and non-GM coexistence. However, the French Biotech Bill has languished in the French Parliament since its vote by the Senate last March (reftel) for political reasons. Biotechnology is a controversial issue and French Parliamentarians are wary of acting on this legislation in the current pre-presidential and parliamentary campaign period before the elections of May 2007. Still risky, this year's biotech corn crop is expected to reach a record 3,000 to 5,000 ha, and would be higher if risks were diminished. Most of the biotech corn grown in France goes to Spain in animal feed. End Comment.